

**PUBLIC SAFETY DEPARTMENT[661]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 101.1(1), 101.2, 101.4, and 101.5, the State Fire Marshal in the Department of Public Safety hereby gives Notice of Intended Action to amend Chapter 226, “Liquefied Petroleum Gas,” Iowa Administrative Code.

The proposed amendments allow for the public fueling of motor vehicles with liquefied petroleum gas, known as “LP gas,” and will authorize the owner of an LP-gas motor fuel dispensing facility or the owner’s designee to provide training for the safe operation of the system by the users who are fueling their vehicles. The proposed amendments are consistent with the recent amendments to rule 661—201.2(100), which incorporated by reference the International Fire Code, 2015 edition. With the adoption of the current edition of the International Fire Code, the public fueling of motor vehicles with LP gas is now authorized. Automakers are now making vehicles that run on alternative fuels that replace conventional gasoline and diesel; one of the more popular alternative fuels is LP gas. The Iowa Propane Gas Association supports these proposed amendments, and there are members who are in the process of creating fueling stations to be ready when new rule 661—226.10(101) is adopted. The additional fuel source will benefit Iowans and Iowa’s economy.

Any written comments or information regarding these proposed amendments may be directed to the Agency Rules Administrator by mail to Agency Rules Administrator, Iowa Department of Public Safety, Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa 50319; or by electronic mail to [admrule@dps.state.ia.us](mailto:admrule@dps.state.ia.us) by 4:30 p.m. on August 31, 2016.

In addition, a public hearing on the proposed amendments will be held on August 31, 2016, at 10 a.m. in the First Floor Public Conference Room (Room 125), Oran Pape State Office Building, 215 East 7th Street, Des Moines, Iowa. Persons may present their views orally or in writing at the public hearing.

The statutory requirements of Iowa Code chapter 101 regarding combustible and flammable liquids and compressed gases cannot be waived. To the extent that rules are not statutorily required, those rules are subject to the waiver provisions of rule 661—10.222(17A).

After analysis and review of this rule making, there should be a positive impact on jobs and a positive impact on the safety of the public. Any fiscal impact is expected to be minimal and less than \$100,000 annually or less than \$500,000 during the next five years.

These amendments are intended to implement Iowa Code sections 101.1(1) and 101.2.

The following amendments are proposed.

ITEM 1. Adopt the following **new** subrule 226.4(5):

**226.4(5)** The training requirements of subrules 226.4(1) to 226.4(4) shall not apply to users as defined in paragraph 226.10(2)“c.” If a user is also a person subject to the requirements of rule 661—226.4(101), then the person must comply with the requirements of rule 661—226.4(101).

ITEM 2. Amend rule 661—226.9(101) as follows:

**661—226.9(101) NFPA standards.** To the extent that NFPA standards are inconsistent with International Fire Code standards, the NFPA standards shall control. However, for rule 661—226.10(101), the provisions of the International Fire Code, 2015 edition, and the provisions of rule 661—226.10(101) shall control over the NFPA standards.

ITEM 3. Adopt the following new rule 661—226.10(101):

**661—226.10(101) Public fueling of motor vehicles.**

**226.10(1)** Self-service LP-gas dispensing systems, including key, code, and card lock dispensing systems, shall be limited to the filling of permanently mounted containers providing fuel to an LP-gas powered vehicle.

**226.10(2)** The requirements for self-service LP-gas dispensing systems shall be in accordance with the following:

*a.* The arrangement and operation of the transfer of product into a vehicle shall be in accordance with this chapter.

*b.* The system shall be provided with an emergency shutoff switch located within 100 feet (30,480 mm) of, but not less than 20 feet (6,096 mm) from, dispensers.

*c.* The owner of an LP-gas motor fuel-dispensing facility or the owner's designee shall provide for the safe operation of the system and the training of users. "Users" means the person or persons using an LP-gas motor fuel-dispensing facility to transfer the product into a vehicle.

*d.* The dispenser and hose-end valve shall release not more than 1/8 fluid ounce (4 cc) of liquid to the atmosphere upon breaking the connection with the fill valve on the vehicle.

*e.* Approved portable fire extinguishers complying with Section 906 of the International Fire Code, 2015 edition, with a minimum rating of 2-A:20-B:C shall be provided and located such that an extinguisher is not more than 75 feet (22,860 mm) from pumps, dispensers, or storage tank fill-pipe openings, in accordance with Section 2305.5 of the International Fire Code, 2015 edition.

*f.* In accordance with Section 2305.6 of the International Fire Code, 2015 edition, warning signs shall be conspicuously posted within sight of each dispenser in the fuel-dispensing area and shall state the following:

- (1) No smoking.
- (2) Shut off motor.
- (3) Discharge your static electricity before fueling by touching a metal surface away from the nozzle.
- (4) To prevent static charge, do not reenter your vehicle while fuel is pumping.
- (5) If a fire starts, do not remove nozzle—back away immediately.
- (6) It is unlawful and dangerous to dispense fuel into unapproved containers.
- (7) No filling of portable containers in or on a motor vehicle.

*g.* In accordance with Section 2305.7 of the International Fire Code, 2015 edition, the area around the dispenser shall be maintained. Fenced and diked areas surrounding above-ground tanks shall be kept free from vegetation, debris and other material that is not necessary to the proper operation of the tank and piping system. Weeds, grass, brush, trash, and other combustible materials shall be kept not less than 10 feet (3,048 mm) from fuel-handling equipment.